



**REGULAR CITY COUNCIL MEETING
FRISCO CITY HALL
GEORGE A. PUREFOY MUNICIPAL CENTER
COUNCIL CHAMBERS
6101 FRISCO SQUARE BLVD.
FRISCO, TEXAS 75034**

5:30 PM

TUESDAY, NOVEMBER 04, 2008

MINUTES

Mayor	Maher Maso	Absent
Mayor Pro Tem	Tony Felker	Present
Deputy Mayor Pro Tem	Joy West	Absent
Council Member	Scott Johnson	Present
Council Member	Jeff Cheney	Present
Council Member	David Prince	Present
Council Member	Bart Crowder	Present

CALL TO ORDER

Representing staff were: City Manager, George Purefoy; Deputy City Manager, Henry Hill; Assistant City Manager, Nell Lange; Assistant City Manager, Ron Patterson; Director of Engineering Services, Cissy Sylo; Director of Planning & Dev, John Lettelleir; Development Coordinator, Scott Ingalls; City Attorney, Rebecca Brewer and Sr. Administrative Assistant Estela Barrera

Mayor Pro Tem Felker called the meeting to order at 5:32 p.m.

CLOSED SESSION

Mayor Pro Tem Felker announced the meeting was in closed session at 5:33 p.m.

Bart Crowder moved to Approve Jeff Cheney seconded the motion.

Passed

Vote: 4 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit:
 - A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
 - i. Legal issues regarding Ordinance No. 06-10-106, the Underground Utility Fee Ordinance.
 - ii. Update on Cause 296-01766-2008; Black Lab Partnership Fund, Ltd. vs. City of Frisco.
 - iii. Legal issues regarding the application of Exide Technologies to the Texas Commission on Environmental Quality (TCEQ) for amendment to State Air Quality Permit Number 1147A and issuance of Prevention of Significant Deterioration (PSD) Air Quality Permit Number PSDTX1168, which would authorize an increase in the production limits at the Battery Recycling Facility located at 7471 South 5th Street, Frisco, Collin County, Texas.
 - B. Section 551.072. To deliberate the purchase, exchange, lease or value or real property located:
 - i. South of US 380, North of Lebanon Road, East of FM 423, and West of Hillcrest Road.
 - C. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

David Prince moved to Reconvene. Jeff Cheney seconded the motion.

Passed

Vote: 4 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

Mayor Pro Tem Felker announced there was no action taken as a result of Closed Session.

INVOCATION

Mark Dunton, Den Leader for Den 8, led the invocation.

PLEDGE OF ALLEGIANCE

Cub Scout Pack 1290 led the audience in the Pledge of Allegiance and the

Texas Pledge of Allegiance. Those in attendance were Den 3 from Corbell, Rogers and Carroll Elementary and Den 8 from Fisher Elementary.

PROCLAMATIONS

4. Eagle Scout Evan Sousa

Proclamation was rescheduled for a later date.

REPORTS

5. Parks & Recreation Monthly Report

Dudley Raymond

6. Library Monthly Report

Gary Werchan

7. Engineering Monthly Report

Cissy Sylo

CITIZEN INPUT (to begin approximately at 7:30 p.m.)

William "Bill" Woodard, President of Panther Creek's Homeowners Assn, 11545 La Grange Dr, Frisco, TX 75035 was present to speak to Council about his concern of several issues:

The upcoming road construction in the Panther Creek area, Installation of Traffic Light at the intersection of Independence & Eldorado (for high school) at the same time of road construction and the installation of three Traffic Lights on Eldorado Pky at Rogers Road, North County Road and Frisco Street.

CONSENT AGENDA

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Consent Agenda was approved as submitted.

Scott Johnson moved to Approve. Jeff Cheney seconded the motion.

Passed

Vote: 4 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

8. Consider and act upon approval of the Minutes from the October 15, 2008 Special Called Joint Frisco City Council and Frisco Independent School District Meeting and the October 21, 2008 Regular City Council Meeting. (CSO/RP)
9. Consider and act upon Authorization for the City Manager to execute Change Order Number Three to the Standard Form Agreement for Construction Services by and between the City of Frisco and Fox Contractors, Inc. for the construction of Dallas Parkway 24" Water Line (Warren Parkway to Lebanon Road). (ENG/DC)
10. Consider and act upon award of RFP #0808-071, Heritage Center Event Coordinator, to Theresa Jo Reveal Shipman, and approval of resolution authorizing the City Manager to execute a personal services agreement for these services. (CMO/HH)

Resolution No. 08-11-241R

11. Consider and act upon award of Bid #0910-080, Annual Contract for Holiday Light Mounting at the George A. Purefoy Municipal Center, to Dee Brown, Inc. (CMO/NL)

Resolution No. 08-11-242R

12. Consider and act upon the approval of a Resolution authorizing the City Manager to execute an Agreement by and between the City of Frisco and Jacobs Engineering Group, Inc. for professional services for Phase Two of B.F. Phillips Community Park. (P&R/DR)

Resolution No. 08-11-243R

13. Consider an act upon a Resolution authorizing the City Manager to execute an Encroachment on Easement Agreement by and between the City of Frisco and Oncor Electric Delivery, for construction of College Parkway Hike & Bike Trail. (P&R/JD)

Resolution No. 08-11-244R

14. Consider and act upon the approval of a Resolution authorizing the City Manager to execute an Agreement by and between the City of Frisco and Shaddock Developers L.T.D. for the purchase of a linear park in the Villages of Stonelake Estates Subdivision. (P&R/DR)

Resolution No. 08-11-245R

15. Consider and act upon award of Bid # 0910-081, Annual Contract for Type C and Type D Hot Mix Asphalt, to Austin Asphalt, LP. (PW)
16. Consider and act upon a Resolution authorizing the City Manager to execute a Development Agreement with Eldorado Crossing, LLC, for the construction of a northbound left turn bay (at the median opening at Custer Road and Fountainview) and a southbound right turn deceleration lane in conjunction with TxDOT's construction of FM 2478 (Custer Road) Improvements. (ENG/JF)

Resolution No. 08-11-246R

17. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Professional Services Agreement by and between the City of Frisco and Freese and Nichols, Inc. to perform Construction Contract Administration Services for the Remediation of Existing Eldorado/BNSF Pump Station Deficiencies. (ENG/EM)

Resolution No. 08-11-247R

18. Consider and act upon authorization for the City Manager to execute Change Order Number 1 to the Standard Form Agreement for Construction Services by and between the City of Frisco and JRJ Paving, LP. for the construction of Intersection Improvements - Main & Teel, Gaylord & Mall Road F, and Parkwood & John Q. Hammons (CIP 05-0027) . (ENG/MB)
19. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Development Agreement by and between the City of Frisco and Texas Univest – Frisco, Ltd. for predevelopment grading of the property located at the northwest corner of Stonebrook Parkway and Dallas North Tollway. (CMO/RP)

Resolution No. 08-11-248R

20. Consider and act upon approval of an Interlocal purchasing agreement by and between the City of Frisco and the City of Grand Prairie and adoption of a resolution authorizing the City Manager to sign the agreement. (FIN)

Resolution No. 08-11-249R

21. Consider and act upon approval of a purchase order to Nortex Concrete Lift and Stabilization for pavement under-sealing and raising services during the fiscal year 2009. (PW)
22. Consider and act upon approval of an Interlocal purchasing agreement by and between the City of Frisco and the City of Dallas and adoption of a resolution

authorizing the City Manager to sign this agreement. (FIN)

Resolution No. 08-11-250R

23. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Development Agreement with Frisco Independent School District for the construction of an eastbound left turn bay and a westbound right-turn deceleration lane at the median opening for Briar Ridge Road on FM 2934/Eldorado Parkway in conjunction with the Texas Department of Transportation's (TxDOT's) construction of FM 2934/Eldorado Parkway (FM 423 to Dallas North Tollway) Improvements. (ENG/JF)

Resolution No. 08-11-251R

24. Consider and act upon authorization for the City Manager to execute Change Order Number 4 to the Standard Form Agreement for Construction Services by and between the City of Frisco and Mario Sinacola and Sons, Excavating, Inc. for the construction of Independence Parkway Improvements. (ENG/MB)
25. Consider and act upon a Resolution of the City Council of the City of Frisco, Texas, authorizing the City Manager of the City of Frisco, Texas to execute an Encroachment on Easement by and between the City of Frisco, Texas and North Texas Municipal Water District for an encroachment on easement located at the northwest corner of FM 2934 and Teel Parkway. (ENG/JM)

Resolution No. 08-11-252R

26. Consider and act upon authorization for the City Manager to execute Change Order No. 3 to the Standard Form Agreement for Construction Services by and between the City of Frisco and Rebcon, Inc. for the construction of Wade Plaza Regional Detention Pond. (ENG/AS)
27. Consider and act upon authorization for the City Manager to execute Change Order Number 1 to the Standard Form Agreement for the Construction Services by and between the City of Frisco and JRJ Paving, LP. for the construction of Frisco Street (Main Street to Frisco Square Blvd)(CE08-0003). (ENG/MB)
28. Consider and act upon approval of an Agreement by and between the City of Frisco and Donna Dobberfuhr for artist's services for Phase II of Preston Road Overlay Artwork. (CMO/RO)

Resolution No. 08-11-253R

29. Consider and Act Upon Approval of a Resolution Adopting the 2008 Official Tax Roll as Certified by the Tax Assessor Collector of Collin County with the Amount of Tax Affixed to Each Account . (CMO/NL)

LEGISLATIVE AGENDA

(These items may legally require Council Action, but by Council Policy should be the City Manager's responsibility. The Legislative Agenda can be acted upon in one motion. The concurrence of two council members is required to remove any item for separate discussion and action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

There were no items scheduled for the Legislative Agenda.

REGULAR AGENDA

30. Consider and act upon approval of a resolution authorizing the City Manager to execute any and all documents related to the purchase of Nevil property located at Preston and Main.

George Purefoy addressed the Council regarding the purchase of the Nevil property located at Preston Road and Main Street.

Mike Simpson, 5617 Widgeon Way, Frisco, TX 75034 was present to speak in favor of Item 30.

Following discussion, Resolution No. 08-11-255R was approved.
David Prince moved to Approve. Bart Crowder seconded the motion.
Passed

Vote: 3 - 1

For: Jeff Cheney, Bart Crowder, David Prince;
Against: Scott Johnson,

31. Consider and act upon approval of a First Amendment to Repurchase Agreement by and between Zarky Development, LLC and the City of Frisco for the purchase and sale of a fifteen (15) acre parcel owned by the City, such property being located west of the North Dallas Tollway, south of Main Street and north of Cotton Gin Road and adoption of a Resolution authorizing the City Manager to execute the Agreement.

George Purefoy addressed the Council regarding a First Amendment to the Repurchase Agreement between Zarky Development, LLC and the City of Frisco for the purchase and sale of a fifteen (15) acre parcel owned by the City, such property being located west of the North Dallas Tollway, south of Main Street and north of Cotton Gin Road.

Speaking in favor of Item 31 were:

Chris Curry with Zarky Development, 13355 Noel Rd, Ste 950, Dallas, TX 75240

Mike Simpson, 5617 Widgeon Way, Frisco, TX 75034

Dr. Jim Joyner, 9950 Little Horn Cr, Frisco, TX 75034

Following discussion, Item 31 was TABLED.

Jeff Cheney moved to Table Scott Johnson seconded the motion.

Passed

Vote: 3 - 2

For: Tony Felker, Scott Johnson, Jeff Cheney;

Against: Bart Crowder, David Prince,

32. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Planning and Development Services, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning and Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to Planning and Development Services. (P&D)

No Appeals.

33. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

Work for better notification of construction projects.

Look into possibility of detour "message boards" for construction work.

Respond to concerns from Citizen Input.

Clarify whether the trees are or are not part of the property on Item 31.

34. Discussion on Governance Monitoring of present City Council Meeting.

Council member Cheney stated Council did a good job.

ADJOURN

There being no additional business, the meeting was adjourned at 8:18p.m.

Scott Johnson moved to Adjourn. Jeff Cheney seconded the motion.

Passed

Vote: 4 - 0

For: Scott Johnson, Jeff Cheney, Bart Crowder, David Prince;

Against: (None)

Tony Felker, Mayor Pro Tem

ATTEST:

Interim City Secretary